



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
Attorney General

Writer's Direct Dial: (212) 416-8426

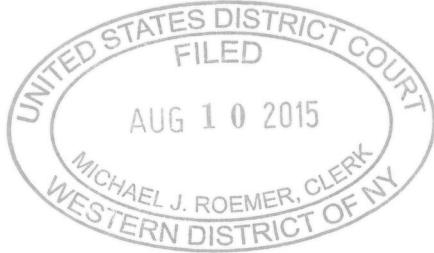
KENT T. STAUFFER
Executive Deputy Attorney General
Division of State Counsel

LISA R. DELL
Assistant Attorney General in Charge
Litigation Bureau

August 7, 2015

Via Facsimile and U.S. Mail

The Honorable Frank P. Geraci, Jr.
Chief United States District Judge
Western District of New York
U.S. Courthouse
100 State Street
Rochester, New York 14614



RE: Libertarian Party of Erie County et al. v. Cuomo et al., 15-cv-00654 (FPG)

Your Honor:

I am an Assistant Attorney General in the Office of Eric T. Schneiderman, Attorney General of the State of New York (the "Attorney General"). This Office represents the Attorney General, who has been named as a defendant in his official capacity, in the above-referenced action, which raises Second and Fourteenth Amendment challenges to New York's firearms licensing statutes.¹

In accordance with Your Honor's Chambers Procedures, I write to respectfully request that the Court extend the time for Attorney General to answer, move, or otherwise respond to plaintiffs' complaint from August 11, 2015 to October 9, 2015, to permit this Office to investigate the underlying facts of the case and applicable law, to accommodate the other professional obligations of counsel, and so that, ultimately, all defendants may be placed on the same schedule for responding to the complaint.² Plaintiffs' counsel, James Ostrowski, has

¹ It is this Office's understanding that the other two named defendants -- Andrew M. Cuomo, Governor of the State of New York ("Governor Cuomo") and Joseph A. D'Amico, Superintendent of the New York State Police ("Superintendent D'Amico") -- have not yet been served. Thus, for each, the time to respond to the complaint has not yet begun to run.

² We anticipate that current requested extension, until October 9, 2015, should be sufficient time for all defendants to respond to the complaint. But, as Governor Cuomo and Superintendent D'Amico have not yet been served and thus are not yet formally represented by this Office, that anticipation cannot be certain. To the extent any further adjustment to the schedule proves necessary here, for any reason, we will, of course, contact the Court.

Hon. Frank P. Geraci, Jr., Chief U.S.D.J.
August 7, 2015
Page 2

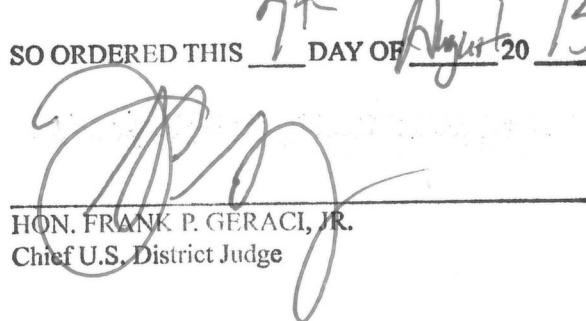
consented to this request. This is the first request for an extension in this action, and granting this request will not impact any other events scheduled in this litigation.³

Thank you for your time and consideration of this request.

Respectfully submitted,


William J. Taylor, Jr.
Assistant Attorney General

cc: James Ostrowski, Esq., *Attorney for Plaintiffs*
(via e-mail and U.S. Mail)

SO ORDERED THIS 7th DAY OF August 2015

HON. FRANK P. GERACI, JR.
Chief U.S. District Judge

³ We note that, in another recently filed litigation currently pending before Your Honor, *Lewis et al. v. Schneiderman et al.*, No. 15-cv-00668 (FPG), a different set of plaintiffs raises a very similar challenge to New York's firearm licensing statutes. The Attorney General and Superintendent D'Amico are the only named defendants in *Lewis*, but neither has yet been served. If and when defendants are served there, it may make sense to coordinate the schedules in both that case and this one for any motions to dismiss that defendants may file or for any other further proceedings that may occur.